IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

Bail Appl..No. 5485 of 2007()

CRMP.511/2007 of SPL. COURT (NDPS ACT CASES), VADAKARA
CRIME NO.290 OF 2007 OF MEDICAL COLLEGE POLICE STATION, KOZHIKODE

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: PETITIONER/ACCUSED:

MUHAMMED FAIZAL, S/O. KUNHIKOYA,
PALLIKUNNU PARAMBA HOUSE, OLAVANNA AMSOM, DESOM,
KOZHIKODE.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT:

STATE OF KERALA THROUGH THE
CIRCLE INSPECTOR OF POLICE, MEDICAL COLLEGE POLICE STATION, KOZHIKODE, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5485 of 2007

Dated this the 11th day of September, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the N.D.P.S Act. He was arrested on 22.07.07. He continues in custody from that date. He was allegedly found to keep in his possession 24 grams of Brown sugar when he was intercepted by the official.

2. An earlier application for regular bail was dismissed by this Court as per order dated 22.08.07 in B.A.No.5043 of 2007. I have adverted to facts in detail in the said order. This order is to be read in continuation of that order. It is not, in these circumstances, necessary for me to advert to facts in greater detail.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the investigation is not complete. The petitioner has a history of criminal antecedents, he having been allegedly guilty of a similar offence earlier. The petitioner may not, in these circumstances, be enlarged on bail, submits the learned Public Prosecutor .

4. I find merit in that opposition by the learned Public Prosecutor . I take note of the nature and circumstances of the case.

The learned counsel for the petitioner submits that the petitioner may be directed to be released at least on 22.09.07, by which time the period of 60 days would elapse and the petitioner would be entitled for default bail if the final report is not filed by then.

5. I do not think it necessary to anticipate that the final report shall not be filed by 22.09.07. I am satisfied that the petitioner does not deserve to be enlarged on bail at this stage.

6. This application for regular bail is, in these circumstances, dismissed. The dismissal of this petition will not fetter the rights of the petitioner to claim bail by default if charge sheet is not filed within the stipulated period of time. The petitioner shall be at liberty to move this Court for bail again later even if charge sheet is filed but not, at any rate, prior to 22.09.07. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-